

13. (Amended) The method of claim 10 or 19, wherein the nucleic acid molecule encoding the tTA is integrated randomly in a chromosome of the cell.

14. (Amended) The method of claim 10 or 19, wherein the nucleic acid molecule encoding the tTA is integrated by homologous recombination at a predetermined location within a chromosome of the cell.

17. (Amended) The method of claim 10 or 19, wherein the tetracycline analogue is anhydrotetracycline, doxycycline or cyanotetracycline.

REMARKS

Claims 1-17 were pending in the instant application. The specification has been amended to correct minor informalities. Claims 7, 8, 15 and 16 have been canceled and new claims 18 and 19 have been added. Accordingly, claims 1-6, 9-14 and 17-19 are currently pending. Claims 1 and 10 have been amended to indicate that the *tet* operator-linked gene and the tTA-encoding sequences are present on first and second nucleic acid molecules, respectively, that are not covalently linked. New claims 18 and 19 are directed to regulatory methods in which the *tet* operator-linked gene and the tTA-encoding sequences are present in a single nucleic acid molecule. Support for these amendments and new claims can be found in the specification at, for example, page 4, lines 32-35. Claims 2-6, 9, 11-14 and 17 have been amended to be in multiple dependent format. No new matter has been added to the claims or specification. Applicants request that the amendments to the specification be entered.

For the Examiner's convenience, a copy of the claims as pending after the amendments herein is presented in Appendix A. Amendment of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was done solely to more particularly point out and distinctly claim the subject matter of the

invention to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

Rejection of Claims 1-17 Under 35 U.S.C. §101

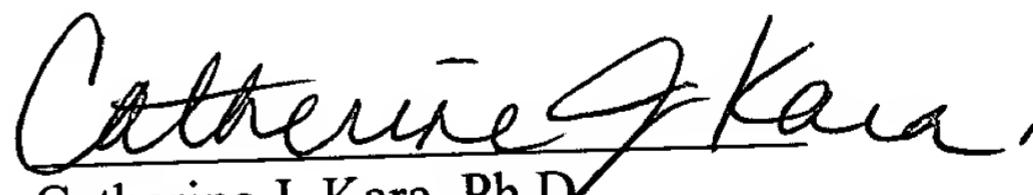
Claims 1-17 were rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-17 of prior U.S. Patent No. 5,888,981. Applicants respectfully submit that this rejection does not pertain to the claims as currently pending. As amended herein, independent claims 1 and 10, and new independent claims 18 and 19, differ in scope from the claims of the '981 patent, as do claims 2-6, 9, 11-14 and 17, which depend from claims 1, 10, 18 and 19. Accordingly, a double patenting rejection under 35 U.S.C. §101 is improper and Applicants respectfully request that this rejection be withdrawn.

SUMMARY

In view of the foregoing remarks, reconsideration of the rejections and allowance of all pending claims is respectfully requested.

If a telephone conversation with Applicant's Attorney would expedite the prosecution of the above-identified application, the examiner is urged to call Applicant's Attorney at (617) 227-7400.

Respectfully submitted,

  
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